

**Written Testimony of
Fred S. Vallo Sr., Governor
Pueblo of Acoma
House Interior Appropriations Subcommittee
FY 2016 Federal Indian Programs Budget
Wednesday, March 25th, 2015**

Requests for additional funding and/or support:

- 1. Water Litigation Funding**
- 2. Uranium Mining and Water—Building a Bridge with a Pipeline**
- 3. Traditional Irrigation Systems**
- 4. Smaller IHS Hospitals**
- 5. Historic Preservation**
- 6. Johnson O'Malley Program**
- 7. Mesa Hill Bridge**
- 8. *Carcieri* “Fix”**

Introduction. The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural and social life revolves around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites, and has received numerous other designations including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is, itself, over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

The Trust Responsibility. As this Subcommittee understands, the relationship between the United States and Indian Tribes is unique. Because of the course of history, there has arisen a trust responsibility on behalf of the United States to support Indian Tribes in our efforts to develop and maintain thriving, healthy communities. Regrettably, that responsibility has not been fully met, although I would like to thank this Subcommittee for frequently proposing increased funding levels for Federal Indian programs. I ask the Subcommittee to consider what it would take to fully meet that responsibility and to stand strong in defense of America's first commitment, which is to its Native peoples.

The Lincoln Canes and the Government-to-Government Relationship. Additionally, Tribes are not like other groups within American society. We are sovereign governments and have a government-to-government relationship with the United States. Every Pueblo governor carries a cane from Abraham Lincoln, which was specifically presented to the

governors 150 years ago to acknowledge our sovereign authority over our lands and our people. This cane is a physical embodiment of the recognition of our status and of the commitment of the United States to protect and respect our sovereign rights, as well as to support the well-being of our communities.

For most of the budget areas set forth below, I have set forth a description of a real-life example from Acoma of the need.

1. Water Rights Adjudication Funding. The Pueblo of Acoma is a party in the water adjudication, *State of New Mexico v. Kerr McGee*, which was filed in 1983 to adjudicate water rights on the Rio San Jose, a tributary of the Rio Grande in New Mexico. Each year, Acoma applies for Federal funding to support negotiation and litigation, usually receiving between 13% and 45% of its request. This is a financial hardship for Acoma, whose economic revenues have declined dramatically in recent years. The federal trust responsibility includes the defense of tribal water rights **Acoma seeks additional Federal financial support for water rights adjudication costs.**

2. Uranium Mining and Water—Building a Bridge with a Pipeline. Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor – a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families and to communities. Mining proponents claim that uranium mining can “now” be done safely, but Acoma insists that this be demonstrated to a high degree of scientific certainty. We have had a positive experience, however, with one company, Roca Honda, which has agreed to build a pipeline to deliver water produced by mine dewatering and treated to potable standards to the Rio San Jose, providing a precious resource for Acoma and many other users of water. **Acoma seeks \$5-9 million in Federal funds to partially cover the costs of this \$40-45 million pipeline.**

3. Traditional Irrigation Systems - Rio Grande Pueblos Irrigation Infrastructure Improvement Act. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. **Acoma requests that this Act receive substantial funding.**

4. Smaller IHS Hospitals – Funding Health Care at the Front Line. The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding Navajo and other communities. However, the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. It is Acoma’s

sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities, then to maintain higher healthcare services and programs at the smaller facilities located in many Indian communities. While that might be economically efficient, it comes at the price of providing quality care within many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care. **We urge sufficient funding for IHS to provide an expanded range of health services at all of its facilities.**

5. Historic Preservation. It is very important to increase funding for tribal historic preservation programs. We are our culture and our culture is an important part of the American Experience. **We urge an increase in funding for the historic preservation programs.**

6. Johnson O'Malley Program. The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in the learning process. In 1995 the Bureau of Indian Affairs froze the student count, effectively placing a moratorium on the establishment of new JOM programs despite that the fact that the Indian student population has increased overall and more school district have been established. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "vested authority" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that they reach their educational goals. **We urge an increase in funding for JOM.**

7. Mesa Hill Bridge – A Growing Safety Concern. Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the school, Head Start, government and Acoma housing areas are on the south-side. **Acoma urges support for funding to build this important safety project.**

8. Support the *Carcieri* "Fix." Although there is no question that Acoma was "under Federal jurisdiction" in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court's decision in *Carcieri v. Salazar*, it is still important that this holding be overturned by Congressional legislation. The President has included *Carcieri* "fix" language in his FY 2016 budget, and this Committee strongly supported "fix" language earlier, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

Conclusion. Thank you for this opportunity to provide testimony before this Subcommittee. Your work is of great importance to America's Native peoples and it is greatly appreciated.